

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

SHADDAE D. FRANKLIN,)
)
Plaintiff,)
)
v.) Case No. _____
)
AMAZON.COM SERVICES, LLC,)
)
Defendant.)

NOTICE OF REMOVAL

Defendant Amazon.com Services, LLC (“Amazon”), by and through its undersigned counsel, files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, and hereby removes this action from the Chancery Court of Hamilton County, Tennessee, to the United States District Court for the Eastern District of Tennessee. Amazon states the following grounds for removal:

PROCEDURAL REQUIREMENTS

1. On August 13, 2020, Plaintiff Shaddae D. Franklin (“Plaintiff”), a former Amazon employee, commenced this action by filing a Complaint in the Chancery Court of Tennessee for the 11th Judicial District, Hamilton County, captioned *Shaddae D. Franklin v. Amazon.com Services, LLC*, Case No. 20C547 (the “State Court Action”). A true and correct copy of the Complaint is attached hereto as Exhibit 1. No other pleadings have been served or filed in the State Court Action, nor has any court order been entered.

2. On or about August 20, 2020, Amazon was served with copies of the Summons and Complaint. A true and correct copy of the Summons served upon Amazon is attached hereto as

Exhibit 2. This Notice of Removal has been timely filed within 30 days of Defendant's receipt of the Complaint, as required by 28 U.S.C. § 1446(b).

3. Venue is proper in the United States District Court for the Eastern District of Tennessee, as this case was originally filed in Hamilton County, Tennessee. *See* 28 U.S.C. § 1446(a).

4. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of Court for the Chancery Court of Hamilton County, Tennessee, and promptly served upon Plaintiff. A copy of the Notice of Filing Notice of Removal without exhibits is attached hereto as Exhibit 3.

FEDERAL QUESTION JURISDICTION

5. Plaintiff's Complaint purports to assert a claim under the federal Family and Medical Leave Act, 29 U.S.C. §§ 2601, *et seq.* (Exh. 1, ¶¶ 21-25). Plaintiff's Complaint also purports to assert a state claim under the Tennessee Human Rights Act, T.C.A. §§ 4-21-401, *et seq.*

6. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because it involves a civil action arising out of a law of the United States, to wit, the Family and Medical Leave Act. Thus, this action may be removed pursuant to 28 U.S.C. § 1441.

7. This Court has supplemental jurisdiction over Plaintiff's state law claim because it is so related to Plaintiff's federal law claim that they form part of the same case or controversy under Article III of the U.S. Constitution. *See* 28 U.S.C. § 1337(a). Thus, Plaintiff's state law claim may be removed on that basis pursuant to 28 U.S.C. § 1441(c).

8. By filing this Notice, Amazon does not waive any defenses that may be available to them.

WHEREFORE, having fulfilled all statutory requirements, Amazon hereby removes this action from the Chancery Court of Hamilton County, Tennessee, to this Court, and requests that this Court assume full jurisdiction over this matter as provided by law.

Respectfully submitted,

/s/ C. Eric Stevens

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2020, the foregoing was filed electronically through the ECF system, is available for viewing and downloading from the ECF system, and will be sent electronically to the registered participants identified on the Notice of Electronic Filings. A true and correct copy of the foregoing has been furnished to the following via U.S. Mail, first-class postage prepaid, as well as e-mail:

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/s/ C. Eric Stevens
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